

EXHIBIT 10

CLOSED, MJSELECT

**U.S. District Court
Eastern District of New York (Brooklyn)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-00182-CBA-1**

Case title: USA v. Rachko et al
Other court case number: 03-1788 USCD- EDNY
Magistrate judge case number: 1:03-mj-01794-MDG

Date Filed: 02/26/2004
Date Terminated: 10/31/2006

Assigned to: Judge Carol B. Amon

Defendant (1)

Thomas Rachko
TERMINATED: 10/31/2006

represented by **David J. Goldstein**
Goldstein & Weinstein
888 Grand Concourse
Bronx, NY 10451
(718) 665-9000
Fax: (718) 665-9147
Email: djgoldstein1@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Jeffrey H. Lichtman
Law Offices of Jeffrey Lichtman
750 Lexington Ave
15th Floor
New York, NY 10022
212-581-1001
Fax: 212-581-4999
Email: jl@jeffreylightman.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Ronald E. Kliegerman
Kliegerman & Friess
233 Broadway
38th Floor
New York, NY 10279
212-587-0075 (fax)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

21:846 and 841(b)(1)(A)(ii)(II); 18:
3551 et seq-CONSPIRACY TO
DISTRIBUTE NARCOTICS
(3)

Disposition

IMPRISONMENT: 84 months;
SUPERVISED RELEASE: 5 years;
FINE: \$10,000.00(\$2,000.00 payments
over the 5 year period); SPECIAL
ASSESSMENT: \$100.00

Highest Offense Level (Opening)

Felony

Terminated Counts

18:1956(h), 1956(a)(1)(B)(i) and 3551
et seq- CONSPIRACY TO LAUNDER
MONEY- INTERSTATE
COMMERCE
(1)

Disposition

Dismissed on Motion of the Govt.

18:1956(a)(1)(B)(i) and 3551 et seq-
MONEY LAUNDERING -
INTERSTATE COMMERCE
(2)

Dismissed on Motion of the Govt.

18:924(c)(1)(A)(i), 2 and 3551 et seq-
Knowingly and intentionally use and
carry one or more firearms during and
in relation to a drug trafficking crime
(4)

Dismissed on Motion of the Govt.

18:1001(a)(2), 2 and 3551 et seq-
Knowingly and willfully make
materially false, fictitious and
fraudulent statements.
(5)

Dismissed on Motion of the Govt.

Highest Offense Level (Terminated)

Felony

Complaints

18 U.S.C. secs. 1001(a)(2) and 2 - defts
did knowingly and willfully make
materially false, fictitious and
fraudulent statements and
representations to a Special Agent of
ICE.

Disposition

Plaintiff

USA

represented by **Steven Harley Breslow**
 United States Attorneys Office
 Criminal Division
 Eastern District of New York
 271 Cadman Plaza East
 Brooklyn, NY 11201-1820
 (718) 254-6243
 Fax: 718-254-6325
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/02/2003	1	SEALED Affidavit in Support of Arrest Warrants/COMPLAINT as to Thomas Rachko (1), Julio Vasquez (2). (Frullo, Veronica)[1:03-mj-01794-MDG] (Entered: 12/08/2003)
12/02/2003	2	Arrest Warrant Issued by Marilyn D. Go as to Thomas Rachko, Julio Vasquez. (Frullo, Veronica)[1:03-mj-01794-MDG] (Entered: 12/08/2003)
12/03/2003	3	Order to Unseal Case as to Thomas Rachko, Julio Vasquez. Signed by Judge Roanne L. Mann on 12/03/03. (Frullo, Veronica)[1:03-mj-01794-MDG] (Entered: 12/08/2003)
12/03/2003		Arrest of Thomas Rachko, Julio Vasquez (Frullo, Veronica)[1:03-mj-01794-MDG] (Entered: 12/08/2003)
12/03/2003	4	Minute Entry for proceedings held before Roanne L. Mann :Initial Appearance as to Thomas Rachko held on 12/3/2003. AUSA Steven Breslow present. Deft present w/retained counsel David Goldstein. Deft arraigned. Detention hearing held; deft released on [1:03\$500,000 bond. Preliminary hearing waived. (Tape #03/285 (2910-4560).) (Frullo, Veronica)[1:03-mj-01794-MDG] (Entered: 12/08/2003)
12/03/2003	5	Secured Bond Entered as to Thomas Rachko in amount of \$ 500,000. Conditions od release: deft's travel is restricted to New York City; deft shall avoid all contact and shall not associate with Julio Vasquez; deft shall surrender any and all [1:03passports to PTS and shall not apply for any other passport; deft is subject to random visits by a PTS officer at deft's home and/or place of work; deft must report to PTS in person once a week; and, deft must undergo random drug testing and tre[1:03atment for mental health problems(gambling). The bond is secured by the premises located at 36823 Middle Road, Lafayeville, NY 13656 owned by Andrew Rachko, Jr. (Signed by Magistrate Judge Mann on 12/03/03) (Frullo, Veronica)[1:03-mj-01794-MDG] (Entered: 12/08/2003)
12/03/2003	6	NOTICE OF ATTORNEY APPEARANCE: David J. Goldstein appearing for Thomas Rachko (Frullo, Veronica)[1:03-mj-01794-MDG] (Entered: 12/08/2003)
12/31/2003	11	NOTICE OF ATTORNEY APPEARANCE: Ronald E. Kliegerman

		appearing for Thomas Rachko. (Yuen, Sui-May)[1:03-mj-01794-MDG] (Entered: 01/05/2004)
12/31/2003		Attorney update in case as to Thomas Rachko. Attorney David J. Goldstein terminated. (Yuen, Sui-May)[1:03-mj-01794-MDG] (Entered: 01/05/2004)
12/31/2003	13	Minute Entry for proceedings held before Viktor V. Pohorelsky :Docket Call as to Thomas Rachko, Julio Vasquez held on 12/31/2003 (Tape #03/309 (0-103).) AUSA Steve Brelsow present. Dft Rachko present w/ counsel Ronald Kliegberman; dft Vasquez presen[1:03t w/ counsel Steve Brill. Time excluded from 12/31 to 1/30/04. (Yuen, Sui-May)[1:03-mj-01794-MDG] (Entered: 01/05/2004)
12/31/2003	14	ORDER TO CONTINUE - Ends of Justice as to Thomas Rachko Time excluded from 12/31/03 until 1/30/04 . Signed by Judge Viktor V. Pohorelsky on 12/31/03. (Yuen, Sui-May)[1:03-mj-01794-MDG] (Entered: 01/05/2004)
01/22/2004	17	NOTICE OF ATTORNEY APPEARANCE: Jeffrey Lichtman appearing for Thomas Rachko (Yuen, Sui-May)[1:03-mj-01794-MDG] (Entered: 01/26/2004)
01/23/2004		Attorney update in case as to Thomas Rachko. Attorney Ronald E. Kliegerman terminated. (Yuen, Sui-May)[1:03-mj-01794-MDG] (Entered: 01/26/2004)
01/26/2004	16	TRANSCRIPT of Proceedings as to Thomas Rachko, Julio Vasquez held on 12/3/03 before Judge Mann. (Yuen, Sui-May)[1:03-mj-01794-MDG] (Entered: 01/26/2004)
02/03/2004	19	ORDER TO CONTINUE - Ends of Justice as to Thomas Rachko. Time excluded from 02/03/04 until 03/03/04. Signed by Judge Roanne L. Mann on 02/03/04. (Frullo, Veronica)[1:03-mj-01794-MDG] (Entered: 02/04/2004)
02/04/2004	18	Minute Entry for proceedings held before Roanne L. Mann :Docket Call for an application for an order of excludable delay as to Thomas Rachko held on 2/4/2004. AUSA Shannon Jones for Steven Breslow. Deft present w/counsel. Order of excludable delay ff[1:03rom 02/03/04 through 03/03/04 entered. (Tape #04/28 (4264-).) (Frullo, Veronica) [1:03-mj-01794-MDG] (Entered: 02/04/2004)
02/26/2004	22	INDICTMENT as to Thomas Rachko (1) count(s) 1, 2, 3, 4, 5, Julio Vasquez (2) count(s) 1, 2, 3, 4, 5. (Permaul, Jenny) (Entered: 03/02/2004)
03/12/2004	24	Minute Entry for proceedings held before Marilyn D. Go :Arraignment as to Thomas Rachko (1) Count 1,2,3,4,5 held on 3/12/2004, Plea entered by Thomas Rachko Not Guilty on counts 1,2,3,4,5. Status Conf. for 3/18/04 at 9:30. (Tape #Not indicated.) (Permaul, Jenny) (Entered: 03/24/2004)
03/18/2004	29	Minute Entry for proceedings held before Carol B. Amon :Status

		Conference as to Thomas Rachko, Julio Vasquez held on 3/18/2004. Further Conf. set for 4/16/04 at 2:30. OED entered (plea discussions) (Court Reporter Burt Sulzer.) (Permaul, Jenny) (Entered: 04/22/2004)
03/18/2004	30	ORDER TO CONTINUE - Ends of Justice as to Thomas Rachko, Julio Vasquez Time excluded from 3/18/04 until 4/16/04. Signed by Judge Carol B. Amon on 3/18/04. (Permaul, Jenny) (Entered: 04/22/2004)
04/12/2004	27	Letter dated 4/12/04 from ASUA Steven H. Breslow, to Jeffrey Lichtman, Esq. furnishing discovery as to deft. Rachko pursuant to Rule 16. (Permaul, Jenny) (Entered: 04/14/2004)
04/14/2004	25	ORDER as to Thomas Rachko: Application denied; Parties and Counsel should report as scheduled on 4/16/04 for a Status Conf. Signed by Judge Carol B. Amon on 4/7/04. (See letter dated 4/7/04 from Jeffrey Lichtman, Esq.) (Permaul, Jenny) (Entered: 04/14/2004)
04/14/2004	26	Writ of Habeas Corpus ad Testificandum Returned Executed for Joshua De La Cruz on 4/7/04 at 10:00 a.m. at EDNY. in case as to Thomas Rachko, Julio Vasquez (Permaul, Jenny) (Entered: 04/14/2004)
04/16/2004	31	Minute Entry for proceedings held before Carol B. Amon :Status Conference as to Thomas Rachko held on 4/16/2004. Case deemed complex. OED entered. Further Conf. set for 5/14/04 at 3:00. (Court Reporter Stephanie Drexler.) (Permaul, Jenny) (Entered: 04/22/2004)
04/16/2004	32	ORDER TO CONTINUE - Ends of Justice as to Thomas Rachko Time excluded from 4/16/04 until 5/14/04. Signed by Judge Carol B. Amon on 4/16/04. (Permaul, Jenny) (Entered: 04/22/2004)
05/12/2004	33	ORDER as to Thomas Rachko, Julio Vasquez: Application granted; the 5/14/04 status conf. is adjourned from 5/14/04 to 5/17/04 at 3:30. Signed by Judge Carol B. Amon on 5/6/04. (See letter dated 5/6/04 from Jeffrey Lichtman, Esq.) (Permaul, Jenny) (Entered: 05/12/2004)
05/12/2004	34	ORDER as to Thomas Rachko; Application granted; Deft. Rachko's bail conditions are modified to permit him to attend a Gambler's Anonymous meeting on 5/8/04 from 7:30 p.m. to 11:00 p.m.. Signed by Judge Carol B. Amon on 5/6/04. (See letter dated 5/6/04 from Jeffrey Lichman, Esq.) (Permaul, Jenny) (Entered: 05/12/2004)
05/17/2004	35	Minute Entry for proceedings held before Carol B. Amon :Status Conference as to Thomas Rachko held on 5/17/2004. Status conf. set for 6/21/04 at 2:30 p.m. Order of excludable signed by parties from 5/17/04 to 6/21/04. (Court Reporter Tony Mancuso.) (Vaughn, Terry) (Entered: 05/24/2004)
05/24/2004	36	ORDER as to Thomas Rachko of excludable delay from 5/17/04 thru 6/21/04. . Signed by Judge Carol B. Amon on 5/17/04. (Vaughn, Terry) (Entered: 05/24/2004)
06/17/2004	37	Writ of Habeas Corpus ad Testificandum Issued as to Ernesto Baez for June 10, 2004 in the case as to Thomas Rachko and Julio Vasquez for the purpose to provide information to the U.S. Attorney's Office. (Permaul,

		Jenny) (Entered: 06/17/2004)
06/21/2004	38	Minute Entry for proceedings held before Carol B. Amon :Status Conference as to Thomas Rachko held on 6/21/2004. OED entered (further plea discussions), Guilty Plea set for 6/25/04 at 3:00. (Court Reporter Loan Hong.) (Permaul, Jenny) (Entered: 07/01/2004)
06/21/2004	39	ORDER TO CONTINUE - Ends of Justice as to Thomas Rachko Time excluded from 6/21/04 until 6/25/04. Signed by Judge Carol B. Amon on 6/21/04. (Permaul, Jenny) (Entered: 07/01/2004)
06/25/2004	41	Minute Entry for proceedings held before Carol B. Amon :Plea entered by Thomas Rachko (1) Guilty Count 3. Sentencing set for 9/17/05 at 4:00. Deft.'s bail limits are extended to Westchester and Whiteplains. (Court Reporter Marsha Diamond.) (Permaul, Jenny) (Entered: 08/13/2004)
07/09/2004	40	SEALED Letter dated 6/30/04; date of Sealing 7/6/04 as per order of Judge Amon. (Permaul, Jenny) (Entered: 07/09/2004)
09/21/2004	42	SEALED Letter dated 9/10/04; date of Sealing 9/15/04 as per order of Judge Amon. (Fernandez, Erica) (Entered: 09/21/2004)
01/10/2005	47	SEALED DOCUMENT: Letter. (Black, Amanda) (Entered: 01/10/2005)
05/13/2005	48	SEALED DOCUMENT: Govt Letter dated 5/2/05. (Black, Amanda) (Entered: 05/13/2005)
07/27/2005	50	SEALED DOCUMENT: Letter filed (Permaul, Jenny) (Entered: 07/27/2005)
08/24/2005	52	ORDER as to Thomas Rachko: Application granted; Deft. Rachko's bail conditions are modified to allow him to take his children to Dorney Park and Wildwater Kingdom, in Allentown, PA from 8/16/05- 8/17/05. Ordered by Judge Carol B. Amon on 8/10/05. (Endorsed on letter dated 8/10/05 from Jeffrey Lichtman) (Permaul, Jenny) (Entered: 08/24/2005)
09/02/2005	55	SEALED ENVELOPE. (Vaughn, Terry) (Entered: 09/02/2005)
10/14/2005	57	Minute Entry for proceedings held before Carol B. Amon : AUSA: Steven Breslow; Jeffrey Lichtman, Esq. for the Dft.; Status Conference as to Thomas Rachko held on 10/14/2005. Sentencing adjourned to 12/16/05 at 2:00. (Court Reporter Holly Driscoll.) (Permaul, Jenny) (Entered: 10/19/2005)
11/08/2005	58	ORDER as to Thomas Rachko: Application granted; Deft's bail conditions are modified to permit him to take his children to Great Adventures in Jackson, NJ on 10/29/05. Ordered by Judge Carol B. Amon on 10/28/05. (Endorsed on letter dated 10/27/05 from Jeffrey Lichtman, Esq.) (Permaul, Jenny) (Entered: 11/08/2005)
12/16/2005	59	Minute Entry for proceedings held before Carol B. Amon : AUSA: Steven Breslow; Jeffrey Lichtman, Esq. Status Conference as to Thomas Rachko held on 12/16/2005. Sentencing adjourned to 2/17/2006 at 09:30 AM before Judge Carol B. Amon. (Court Reporter A. Dandridge.)

		(Permaul, Jenny) (Entered: 12/28/2005)
12/28/2005	60	SEALED Letter placed in vault; (Govt. Letter dated 11/30/05); Date of Sealing: 12/20/05 as per order of Judge Amon) (Permaul, Jenny) (Entered: 12/28/2005)
12/28/2005	62	SEALED Letter placed in vault(Govt. letter dated 12/20/05); Date of Sealing: 12/20/05 as per order of Judge Amon. (Permaul, Jenny) (Entered: 12/28/2005)
02/02/2006	64	SEALED Letter placed in vault(Govt. letter dated 1/27/06); Date of Sealing: 1/30/06 as per order of Judge Amon. (Fernandez, Erica) (Entered: 02/02/2006)
02/17/2006	65	Minute Entry for proceedings held before Carol B. Amon : AUSA: Steven Breslow; Jeffery Lictman, Esq. by Mariewl Lasasso, Esq. for deft. Rachko; Eric Franz, Esq. for deft. Julio Vasquez. Status Conference as to Thomas Rachko, Julio Vasquez held on 2/17/2006. RULINGS: Deft. RACHKO: Sentencing set for 3/14/06 at 9:30. Sentence submissions: Govt-3/2/06; Deft:- 3/7/06. Deft. VASQUEZ: Status Conf. set for 3/30/06 at noon. (Court Reporter Winnie Valentin.) (Permaul, Jenny) (Entered: 02/21/2006)
02/23/2006	66	SEALED LETTER placed in vault(Govr. letter dated 2/21/06); Date of Sealing 2.21.06 as per order of Judge Amon. (Permaul, Jenny) (Entered: 02/23/2006)
03/13/2006	67	Letter dated 3/7/06 from Jeffrey Lichtman, Esq. as to Thomas Rachko submitted for the Court's consideration before sentencing. (Permaul, Jenny) (Entered: 03/13/2006)
03/13/2006	68	SEALED Letter placed in vault. Date of Sealing 3/10/06 as per order of Judge Amon. (Permaul, Jenny) (Entered: 03/14/2006)
03/22/2006	69	ORDER as to Thomas Rachko; Application granted: Sentencing adjourned to 3/30/06 at 3:00 PM . Ordered by Judge Carol B. Amon on 3/20/06. (Endorsed on letter dated 3/16/06 from Jeffrey Lichtman, Esq.) (Fernandez, Erica) (Entered: 03/22/2006)
05/03/2006	72	SEALED Letter as to Thomas Rachko, Julio Vasquez; (Govt.letter dated 4/3/06); Date of Sealing: 5/1/06 as per order of Judge Amon. (Permaul, Jenny) (Entered: 05/03/2006)
06/02/2006	74	Minute Entry for proceedings held before Carol B. Amon : AUSA: Steve Breslow -by Margo Brodie; Jeffrey Lichtman, Esq. by Mariel Lasasso, Esq. for deft. Thomas Rachko; Julio Vasquez, Esq. for the Deft.; Status Conference as to Thomas Rachko, Julio Vasquez held on 6/2/2006. RULINGS: Deft. Rachko: Sentencing adjourned to 7/17/06 at 2:30; Deft. Vasquez: Further conf. set for 7/17/06 at 2:00. Sentencing adjourned w/o date. (Court Reporter Marsha Diamond.) (Permaul, Jenny) (Entered: 06/16/2006)
07/19/2006	77	SEALED Letter placed in vault. (Govt. letter dated 7/10/06); Date of Sealing: 7/18/06 as per order of Judge Amon.(Permaul, Jenny) (Entered: 07/19/2006)

		07/19/2006)
09/29/2006	84	NOTICE of Change of address of <i>Law Offices of Jeffrey Lichtman</i> by Thomas Rachko (Lichtman, Jeffrey) (Entered: 09/29/2006)
10/13/2006	86	Minute Entry for proceedings held before Carol B. Amon : AUSA: Adam Abensohn, Jeffrey Lichtman, Esq. for the Deft.. Sentencing held on 10/13/2006 for Thomas Rachko (1), Count(s) 1, 2, 4, 5, Dismissed on Motion of the Govt.; Count(s) 3, IMPRISONMENT: 84 months; SUPERVISED RELEASE: 5 years; FINE: \$10,000.00(\$2,000.00 payments over the 5 year period); SPECIAL ASSESSMENT: \$100.00. Deft. is ordered to surrender to the designated institution on 1/5/07. Downward departure motion granted. (Court Reporter Gene Rodolph.) (Permaul, Jenny) (Entered: 10/31/2006)
10/31/2006	87	JUDGMENT as to Thomas Rachko (1), Count(s) 1, 2, 4, 5, Dismissed on Motion of the Govt.; Count(s) 3, IMPRISONMENT: 84 months; SUPERVISED RELEASE: 5 years; FINE: \$10,000.00(\$2,000.00 payments over the 5 year period); SPECIAL ASSESSMENT: \$100.00 The Deft. shall surrender for service for sentence before 2 p.m. on 1/5/07. Ordered by Judge Carol B. Amon on 10/13/06. c/m by chambers (Permaul, Jenny) (Entered: 10/31/2006)
02/16/2007	92	TRANSCRIPT of Sentencing held on 10/13/2006 before Judge Carol B Amon. as to Thomas Rachko. All parties present. AUSA Adam Abensohn. Jeffery Lichtman & Courtney Black for the Deft. Court Reporter: Gene Rudolph. (Gonzalez, Mary) (Entered: 02/16/2007)

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